

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:12-CR-19-D

UNITED STATES OF AMERICA)	
)	
v.)	ORDER
)	
DWIGHT LAMAR JONES,)	
)	
Defendant.)	

On November 13, 2012, pursuant to a written plea agreement, Dwight Lamar Jones (“Jones”) pleaded guilty to conspiracy to distribute and possess with intent to distribute 5 kilograms or more of cocaine and 28 grams or more of cocaine base (crack). See [D.E. 31, 36]. On March 19, 2013, the court held Jones’s sentencing hearing. See [D.E. 50, 51, 61]. At the hearing, the court adopted the facts set forth in the Presentence Investigation Report (“PSR”). See Fed. R. Crim. P. 32(i)(3)(A)-(B); Sentencing Tr. [D.E. 61] 5–6. The court calculated Jones’s total offense level to be 33, his criminal history category to be VI, and his advisory guideline range to be 235 to 293 months’ imprisonment. See Sentencing Tr. at 5–6. After thoroughly considering all relevant factors under 18 U.S.C. § 3553(a), the court sentenced Jones to 282 months’ imprisonment. See id. at 18–25. Jones appealed. On November 19, 2013, the United States Court of Appeals for the Fourth Circuit dismissed the appeal. See [D.E. 64].

On February 9, 2016, Jones moved for a sentence reduction under 18 U.S.C. § 3582(c)(2), U.S.S.G. § 1B1.10, and Amendment 782. See [D.E. 92]. Jones’s new advisory guideline range is 188 to 235 months’ imprisonment, based on a total offense level of 31 and a criminal history category of VI. See Resentencing Report. Jones requests a 226-month sentence. See id.; [D.E. 92].

The court has discretion under Amendment 782 to reduce Jones’s sentence. See, e.g., Chavez-Meza v. United States, 138 S. Ct. 1959, 1963–68 (2018); Dillon v. United States, 560 U.S.

817, 827 (2010); United States v. Peters, 843 F.3d 572, 574 (4th Cir. 2016); United States v. Patterson, 671 F. App'x 105, 105–06 (4th Cir. 2016) (per curiam) (unpublished); United States v. Cole, 618 F. App'x 178, 178–79 (4th Cir. 2015) (per curiam) (unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Mann, 709 F.3d 301, 306–07 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Jones's sentence, the court finds that Jones engaged in serious criminal behavior involving a large quantity of illegal narcotics and firearms. See PSR ¶¶ 10–14. Moreover, Jones is a recidivist and has convictions for attempted criminal possession of a controlled substance, disorderly conduct fighting/violent behavior, criminal possession of a controlled substance, and import controlled and dangerous substances into state. See id. ¶¶ 19–24. Moreover, Jones has performed poorly on supervision and has a spotty work history. See id. ¶¶ 24, 35, 51–61. Nonetheless, Jones has taken some positive steps while incarcerated on his federal sentence. See Resentencing Report; cf. Pepper v. United States, 562 U.S. 476, 491 (2011).

Having reviewed the entire record and all relevant policy statements, the court finds that Jones received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a). Further reducing Jones's sentence would threaten public safety in light of his serious criminal conduct and serious criminal history. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Thus, the court denies Jones's motion for reduction of sentence under Amendment 782. See, e.g., Chavez-Meza, 138 S. Ct. at 1963–68; Patterson, 671 F. App'x at 105–06; Cole, 618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26; Perez, 536 F. App'x at 321.

In sum, the court DENIES Jones's motion for reduction of sentence [D.E. 92].

SO ORDERED. This 18 day of July 2018.



JAMES C. DEVER III
Chief United States District Judge